

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

REV. JEFFREY ALLEN ROWE,	)	
	)	
Plaintiff,	)	
vs.	)	1:09-cv-714-WTL-DML
	)	
BRETT MIZE,	)	
	)	
Defendant.	)	

**Entry Discussing Motion for Appointment of Counsel**

The plaintiff's motion for appointment of counsel (dkt 26) has been considered.

The court concludes, based on the above filing, that the plaintiff has made a reasonable effort to secure representation. The court therefore proceeds to the second inquiry required in these circumstances. The court's task in this second inquiry is to analyze the plaintiff's abilities as related to "the tasks that normally attend litigation: evidence gathering, preparing and responding to motions and other court filings, and trial." *Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007).

The court finds, in this case and at present, that the claims asserted by the plaintiff are not of sufficient complexity or merit as to surpass the plaintiff's ability to properly develop and present them. First of all, the complaint shows that the plaintiff understands his claims from the standpoint of both its legal basis and its factual underpinnings. Second, the plaintiff appears to be literate, to have access to writing materials, and to have an understanding of the court's processes. As the case develops, the court anticipates that the plaintiff will demonstrate his understanding of the need to adhere to timetables, to work with counsel for the defendant in developing the case for trial or other resolution, and so forth. The plaintiff's claims and the need to responsibly proceed with the development of the case do not appear, at present, to be of a complexity which exceeds the plaintiff's ability to present, even without the guiding hand of counsel. As the plaintiff is aware, the defendant seeks resolution of this action through the entry of summary judgment. This motion is based on the plaintiff's asserted failure to exhaust available administrative remedies prior to filing the action. The plaintiff has the means and the knowledge to respond. Accordingly, the plaintiff's motion for appointment of counsel (dkt 26) is **denied**.

**IT IS SO ORDERED.**

Date: 11/18/2009



Hon. William T. Lawrence, Judge  
United States District Court  
Southern District of Indiana

Distribution:

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